

CITY OF ALBUQUERQUE LAND USE FACILITATION PROGRAM PROJECT MEETING REPORT

Project #: 1008224
Property Description/Address: 1809 Stagecoach Rd. SE

Date Submitted: April 8, 2010
Submitted By: Diane Grover

Meeting Date/Time: April 6, 2010, 6:30 p.m.
Meeting Location: Manzano Mesa Multi-generational Center
Facilitator: Diane Grover
Co-facilitator: Tonya Covington

Parties:

Jarrold and Jade Collins (aka Jade Ferrell), Applicants
Wristen Paschigh, Agent
Four Hills Village H.O.A. ("FHV")
Four Hills Village N.A. ("FHN")

Note: Individual names can be found at the end of this report.

Background/Meeting Summary:

Jarrold and Jade Collins request a special exception to Section 14-16-2-6: A CONDITIONAL USE FOR PROPOSED SECOND KITCHEN IN AN R-1 ZONE for all or a portion of Lot 2A, Tract 2, Four Hills Village Installment 11A zoned R-1, located at 1809 Stagecoach Rd. SE.

(Please note that the above property description contains an inaccuracy with regards to Installment 11A. The actual installment is 19, and the applicant has alerted the City to this inaccuracy)

Applicants Jarrold and Jade Collins (also known as Jade Ferrell), and their agent Wristen Paschigh plan to build a single family dwelling with a guest home for the purpose of accommodating an extended family to include Jade's parents, Ronald and Ka Ferrell. They are requesting a conditional use to enable them to have a second kitchen to maintain the autonomy of the members of this extended family, since they exist on two different schedules and wish to have separate eating schedules and segregated food preparation areas. Both families work at Sandia Labs and intend to continue working at the labs. The Collins family intends this home to be their final home, and plan to retire here. They were attracted to Four Hills because of the nice neighborhood and community, and they have no intention of having a negative impact on the area or their neighbors. They have no intention to ever turn the property into a rental unit, and believe that the conditional use they request will apply only to them and cannot be passed on to future homeowners, should their plans ever change and they need to sell the home. It is their understanding that sale of the home would require them to remove all kitchen appliances from the extra kitchen and return the home to a one-kitchen home.

Neighbors understand the applicants' desires and appreciate the applicant's commitment to such an extended family. They maintain concerns about allowing a second kitchen which could encourage a rental situation at some time in the future. While they trust that the applicant's intents are pure, they have concerns for possible future owners, should the family ever have to abandon their desire to remain in the home. They have concerns about precedence setting, and want assurance that they can be guaranteed that the addition of a second kitchen not lead to a rental situation at any time on this property. Neighbors were intrigued by the architect's assertion that he was told by the City that the Conditional Use would remain with the owners and not be attached to the home; they would like independent verification of this. Shannon Beaucaire, ADR Coordinator for the City of Albuquerque, committed to getting neighbors a name of someone to speak with at the City for verification. This information will be relayed to neighbors either in the email accompanying this report, or separately to neighbors by email.

Neighbors and applicant both want covenants in the area observed, maintenance of property values, and maintenance of the existing quality of living in the area. There was a substantial amount of good will between the applicant and neighbors, with both wanting a win/win outcome to this situation.

FHN supports the application for conditional use. FHV is interested in working towards a win/win outcome, but needs assurance that the conditional use would only be attached to this family and not be attached to the property. They also want a guaranty that this property will at no time be turned into a rental property.

Outcome:

Areas of Agreement:

- Neighbors and applicant want maintenance of property values in the area
- Neighbors and applicant want maintenance of quality of life in the community
- Neighbors and applicant want compliance with covenants
- Neighbors trust the applicant's intent and support the living arrangement they are intending to set up in the home
- FHN supports this application and has no concerns

Unresolved Issues, Interests and Concerns:

- FHV has concerns for future use of the property should a second kitchen be allowed
- FHV has concerns for precedence setting in their community
- FHV wants a guaranty that property will never be open to a rental agreement
- FHV wants verification of the applicant's assertion that a conditional use remains with the owners and cannot be transferred with the property

Meeting Specifics:

- 1) Applicant Presentation
 - a) Planning to build single family dwelling

- i) Dwelling on the east side
 - ii) Garage on the west side
 - iii) Guest house with one common wall
 - (1) Separate entrance from home
 - (2) No internal connectivity
 - (3) Applicant views as one home with single foundation
 - (4) Applicant states City considers property one dwelling due to single foundation
- b) Intent for floor plan and separate kitchen
 - i) Separate living quarters for Jade's parents
 - (1) Belief systems support family unit including parents
 - (2) Goal to conjoin family while maintaining autonomy
 - ii) Separate kitchen to accommodate
 - (1) Separate living schedules
 - (2) Separate food preparation
 - (3) Autonomy of lifestyle
- c) Conditional use – agent's understanding from zoning
 - i) Conditional use is tied to owner, not to the property
 - ii) Should property sell, all kitchen appliances would have to be removed
 - (1) Home would return to one kitchen single family dwelling
- d) Owner intent
 - i) Owner fully plans to retire in home
 - ii) Jade's parents and the Collins family are employed by Sandia National Laboratories
 - iii) All plan to stay at Sandia until retirement
 - iv) Long range plans for both families to remain in home
 - v) No intent for future use as rental unit
- 2) Official position of FHN
 - a) No objections to this application
 - b) Ed Barsis sees covenants as un-enforceable
- 3) Questions and Concerns of FHV
 - a) See living quarters as two separate dwellings
 - i) No interconnectivity – cannot go internally from one building to the other
 - ii) Lends itself to rental arrangements
 - b) Have concerns for precedence setting
 - c) Want covenants respected
 - i) Applicant states wants to be part of community and respect covenants
 - (1) Chose this area because of how nice it and the community are
 - (2) Has no desire to harm the community
 - ii) Applicant believes servants and in-laws quarters allowed
 - iii) FHN states only servants
 - d) Concern for future use of property should applicant move
 - i) Objections are not personal – no ill will towards applicant and family
 - ii) Neighbors see commitment to family interconnectedness as admirable
 - iii) Neighbors concerned that future owners may rent property
 - iv) Applicant states that conditional use is specific to owner
 - (1) Architect told by City Zoning that right to have 2nd kitchen does not stay with property

- (2) Conditional use cannot be transferred
 - (3) If applicant moves, kitchen utilities must be removed
- v) Neighbors want verification from City that conditional use cannot be transferred
 - (1) Shannon Beaucaire will contact Lucinda Montoya for verification
 - (2) Shannon will get name of someone neighbors can talk to at the City
 - (3) Information will be relayed in email along with report if available at that time
 - (4) Relayed by direct email from Shannon if not available when report is distributed
- vi) Neighbors want guaranty guest house will never be rented
 - (1) Is there a way to guaranty with the deed?
 - (2) Jade and Wristen will research into ways to guaranty
- e) Desirability of Four Hills
 - i) Neighbors are committed to maintaining quality of life
 - ii) Maintenance of property values important to neighbors
 - iii) Applicant states attracted to they area by the same things neighbors hold dear
 - (1) Applicant also commits to maintenance of quality of life and flavor of the area
- f) Neighbors and applicant are willing to work together for potential win/win outcome

Action Plan:

Neighbors and applicant would like to find a win/win outcome where applicant can accommodate the needs of family and FHV can be guaranteed that property cannot become rental in the future.

Action Items:

- Shannon Beaucaire will find out who neighbors can talk to for confirmation on application of conditional use
- Shannon will relay information to neighbors through the facilitator if received prior to report being sent; directly to neighbors by email if received after the report is sent.
- Jade Collins and Wristen Paschigh will follow up to see if there are other ways to get guarantees for community on no future rental of property.

ZHE Application Hearing Details:

- 1) Hearing Scheduled for Tuesday, **April 20, 2010**
- 2) Hearing Details:
 - a) The Office of the Zoning Hearing Examiner conducts monthly quasi-judicial PUBLIC HEARINGS regarding Special Exceptions to the Zoning Code (Please refer to Section 14.16.4.2 of the Comprehensive City Zoning Code)
 - b) There are certain criteria that applicants must meet in order to obtain an approval of decision for their special exception request.
- 3) Hearing Process:
 - a) Comments from facilitated meetings will go into a report which goes to the Hearing Examiner
 - b) All interested parties may appear at the hearing and voice their opinions or submit written comments prior to the day of public hearing.

- c) The Zoning Hearing Examiner will render a determination of approval, approval with conditions or denial within 15 days after the close of the public hearing
- d) The determination can be appealed to the Board of Appeals

Any further questions or comments can be referred to:

Lucinda Montoya
924-3918
Lucindamontoya@cabq.gov

Comments:

Names & Addresses of Attendees:

Ronald M. Ferrell	Applicant
Ka Ferrell	Applicant
Jarrold Collins	Applicant
Jade Ferrell	Applicant
Wristen Paschigh	Paschigh Design Group
Florence Ellis	4 Hills Neighbor
Henry Ellis	4 Hills Neighbor
Ernest Christian	FHV
Anne Christian	FHV
Teresa Loschke	FHV
Ed Barsis	FHN
Shannon Beaucaire	City of Albuquerque